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WCL Hosts Inter-American Human Rights Moot Court Competition

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by the Colombian military. This case was brought by Comisión Colombiana de Juristas, CEJIL and HRW/Americas.

Stage of the Proceedings: In January 1997, the Court released its decision awarding damages to the families of both victims.

3. *Adolfo Garrido and Raul Baigorria v. Argentina*

Facts: The victims in this case were last seen in 1990 as they were arrested by the Provincial Police of Mendoza. Their bodies have never been found, and the police have never acknowledged that the arrests even took place. The Government has accepted the applicant's

statement of the facts and acknowledged responsibility for the disappearances.

Stage of the Proceedings: In spring 1996, the Court had granted the parties six months to agree on reparations. In early 1997, the Court concluded that as the parties had not reached an agreement on reparations, it would reopen its consideration of the matter. The parties were ordered to submit their arguments and evidence on the reparations issue by June 1997.

In January 1997, the Commission referred the following matter to the Court:

Anstrum Villagran Morales (Los Bosques de San Nicolas) v. Guatemala

Facts: This case involves the execution of five street children who were detained

by the National Police on June 15, 1990. Their bodies were found two days later with signs that the children had suffered severe torture, including acid burns as well as eyes and ears cut off. Two police officers were prosecuted in the domestic system but this prosecution was unsuccessful because the investigation failed to uncover sufficient evidence. The case was brought to the Commission by CEJIL and Casa Alianza in Guatemala.

Stage of the Proceedings: The Government has filed an answer and the case is in the written proceedings stage. ☺

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WCL Hosts Inter-American Human Rights Moot Court Competition

The Second Annual Inter-American Human Rights Moot Court Competition was held from May 19 - 23, 1997. WCL was honored to have Dr. Carlos Reina, President of Honduras and Past President of the Inter-American Court of Human Rights serve as Presiding Judge during the Final Round of the Competition. Twenty-four teams from 12 countries argued the hypothetical case of *Cecilia Herold, et al. v. The State of Pacifica*. *The hypothetical involved issues for which there is little case law within the Inter-American System and was written by Elizabeth Abi-Mershed, an Attorney Specialist in Human Rights at the Inter-American Commission on Human Rights.

In the *Herold* case, the petitioners are three women who formed a political party with the stated goal of increasing the political involvement of all citizens, particularly women, seeking a more equitable distribution of tax revenues, and rooting out corruption in local government. This party challenged the established power-structure, that placed political control in the hands of male landowners, and as a result, the women suffered harassment and discrimination that eventually escalated to include a mugging and assault, a break-in at the party's offices, and the sexual assault of Cecilia Herold.

Because there was limited evidence of direct state involvement, the case focused on whether the crimes of private individuals could be imputed to the State of



(Left to right) Finalists Aldo Federico Calliari and Maria Elisa Gallo, representing Universidad Nacional de Tucuman, Honduran President Carlos Roberto Reina, Finalists Pablo Trevisan and María Isabel Ricciardi of Universidad Nacional de La Plata, and Dean Claudio Grossman.

Pacifica if it failed in its duty under Article 1.1 of the American Convention to ensure all persons the free and full exercise of the rights guaranteed by the Convention. The case looked at the ineffectual efforts of the local police to protect the women from these crimes or to adequately investigate and prosecute the crimes after they occurred.

Of particular concern in this case is the law in Pacifica that requires a state doctor to examine every alleged rape victim in order for the perpetrator to be prosecuted. In this case, the state doctor was unavailable for 32 hours, and as a result, test results were inconclusive and the prosecutor determined that

there was insufficient evidence to prosecute the alleged perpetrators. Petitioners alleged that the law, and particularly its application in this case, violated their right to judicial protection under Articles 8 and 25. The issues in this case, for the most part, remain unsettled within the jurisprudence of the Inter-American System and provided for a spirited competition.

In addition to the competition, the participants took part in a seminar entitled "Presenting a Petition Before the Inter-American System for the Protection of Human Rights," including an introduction and discussion with Jorge

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Department of Labor as well as the AFL-CIO and U.S. Council for International Business participated in the discussion following the presentation.

War Crimes Tribunal Research Office

In February, Kitty Felde of *Monitor Radio* spoke at a luncheon sponsored by the War Crimes Research Office and the Coalition for International Justice at the ABA. Ms. Felde, who spent a year at the Hague covering the first trial of the ICTY against the accused war criminal Dušan Tadić, discussed her views on why the international media has largely ignored the most important international legal proceedings since the Nuremberg Trials.

Team Represents WCL at European Moot Court Competition

For the fourth consecutive year, WCL was the only U.S. law school to compete in the René Cassin Human Rights Moot Court Competition. Delegations from 51 law schools in 20 nations sent teams to the competition, held each

year in Strasbourg, France. WCL students Maria Louisa Kalorides and Christian O'Connell competed, with LL.M. student Sylvain Vité serving as the team's legal and linguistic advisor and LL.M. alumna Claudia Martin, attorney from the Center's Inter-American Human Rights Digest Project, serving as coach. The team earned 7th-place honors in the overall standings, eclipsing all fourteen French delegations to achieve the best finish by an American team in the competition's history.

Named after the French recipient of the 1968 Nobel Peace Prize, the *Concours René Cassin* was created in 1984 and is the largest moot court competition in which competitors' pleadings and oral arguments are entirely in French. The focus of the competition is the European Convention for the Protection of Human Rights and Fundamental Freedoms. This year's competition centered around a complex hypothetical case involving, *inter alia*, issues of environmental pollution, government-sponsored terrorism, fair trials and suffrage rights. Competitors were evaluated on the form and content of



Photo courtesy of Maria Louisa Kalorides

WCL was represented at the *Concours René Cassin* by Maria Louisa Kalorides (right center) and Christian O'Connell (right). They were assisted by Sylvain Vité (left), who served as legal and linguistic advisor, and the Center's Claudia Martin, who served as coach.

the written memorial, rhetorical quality of the pleadings, knowledge of the Convention and its case-law, and the relevance and logic of legal argumentation. ☉

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Taiana, Executive Secretary of the Inter-American Commission on Human Rights.

The judges for the Preliminary and Semi-Final Rounds of the Competition included distinguished human rights practitioners and scholars. President Reina led the Honor Panel of Judges that also included Ambassador Carmen Moreno de Del Cueto, Mexican Mission of the Organization of American States (OAS); Ambassador Brian Dickson, Q.C., Permanent Mission of Canada; Ambassador John Donaldson, President, Inter-American

for Washington, D.C.; Judge Andrew Sonner, Maryland Court of Special Appeals; Ambassador Christopher Thomas, Assistant Secretary General of the OAS; Jose Miguel Vivanco, Executive Director, Human Rights Watch/Americas; and

Maria Elisa Gallo, and argued on behalf of Petitioners. La Plata was represented by Maria Isabel Ricciardi and Pablo Trevisan, and argued for the State. Tucuman won first place honors as well as Best Memorial. Calliari of Tucuman won Best Oralist.

The coordinators of the competition were pleased to see several people who participated last year return to D.C. this year as either competitors or coaches. They hope to see many of this year's participants again next year for the Third Annual Inter-American



Photo courtesy of Hilary Schwab

The Honor Panel of Judges during the Final Round of the Competition.

Commission of Human Rights (IACHR); WCL's Dean Claudio Grossman, Member, IACHR; WCL Professor Robert Goldman, Second Vice-President, IACHR; Ambassador Alicia Martinez Rios, Permanent Mission of Argentina; Ambassador Sonia Picado Sotela, Costa Rica; Judge Vanessa Ruiz, Court of Appeals

Professor Leo Zwaak, Netherlands Human Rights Institute.

The two teams that successfully navigated their way into the Final Round were Universidad Nacional de Tucuman and Universidad Nacional de La Plata, both of Argentina. Tucuman was represented by Aldo Federico Calliari and

Moot Court Competition. ☉

* For the full text of the 1996 hypothetical, see the *Inter-American Human Rights Moot Court Competition* Internet site at <http://www.wcl.american.edu/pub/human-right/mcourt/mcourt.html>.